

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DARRYL J. BRYANS
and
LANCE B. JUMP

Appeal No. 1999-0001
Application No. 08/613,828

ON BRIEF

Before HAIRSTON, BARRETT, and DIXON, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 5, 10 through 20 and 24 through 29.

The disclosed invention relates to a system for switching electrical power to a plurality of loads.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A system for switching electrical power to a plurality of loads on a plurality of hot AC lines, the system comprising:

a plurality of switch control devices, each containing a power switching element, each switch control device being physically located on a hot AC line extending between a source and a load, the power switching element switching power delivered by the corresponding hot AC line to a load attached to the switch control device;

a control switch input on each switch control device;

a control interface, and;

at least one signal branch extending from the control interface, a plurality of switch control devices being attached to each signal branch so that control signals can be communicated between the control interface and the switch control devices, the control interface polling selected ones of the switch control devices, and transmitting output signals to other switch control devices so that the power switching element in one switch control device can be controlled by control switch inputs on another selected switch control device.

The references relied on by the examiner are:

Miller et al. (Miller)	4,484,258	Nov. 20, 1984
Cotie et al. (Cotie)	4,667,193	May 19, 1987

Claims 1 through 5 stand rejected under 35 U.S.C. § 103 as being unpatentable over Miller in view of Cotie.

Claims 10 through 20 and 24 through 29 stand rejected under 35 U.S.C. § 103 as being unpatentable over Miller in view of Cotie and what is known in the art.

Reference is made to the briefs and the answer for the respective positions of the appellants and the examiner.

OPINION

The obviousness rejection of claims 1 through 5, 20 and 24 through 29 is reversed. The obviousness rejection of claims 10 through 19 is sustained.

Appellants have not mounted a challenge to the examiner's finding that "[t]he feature of polling remote stations in a control system is known in the art as evidenced by Cotie" (Answer, page 4). Appellants have, however, challenged the examiner's finding (Answer, pages 3 and 4) that "[t]he claim limitation regarding 'each switch control device being physically located on a hot AC line extending between a source and a load' is impliedly or explicitly met by Miller's teaching that his transceiver decoder **56** (considered equivalent to the claimed 'switch control device') is 'generally located near the loads to be controlled by its relays,' (col. 4, lines 18-19)." The examiner's contentions to the contrary notwithstanding, Miller neither "explicitly" nor "impliedly" teaches a switch control device physically located on a hot AC line extending between a source and a load by the mere location of transceiver decoder 56 "near" the loads to be controlled by the relays (Brief, pages 4 and 5). For this reason, the obviousness rejection of claims 1 through 5 is reversed.

Turning next to the obviousness rejection of claims 10 through 19, the examiner states (Answer, page 6) that:

The limitation of a “local switch actuator, including a local switch input” as claimed is considered to be met by Miller’s ON/OFF switch **68**, (fig. 1 and col. 11, lines 49-56). Although Miller’s ON/OFF switch **68** actuates electrical power devices by commands issued via Miller’s controller **50** (the equivalent “master interface”), the use of ON/OFF switches to control electric power devices is commonly known in the art, and the use of such switches (e.g., Miller’s ON/OFF switches **68**) for such purpose (i.e., “actuating electrical power *independently*” as claimed) is considered to have been obvious to and a matter of design choice by the artisan at the time of the invention.

We agree with the examiner that ON/OFF switch 68 in Miller is actuated via commands sent thereto, and we likewise agree with the examiner that it is known in the art to actuate ON/OFF switches independently of the commands. We likewise agree with the examiner (Answer, page 4) that the polling of remote stations in a control system is known in the art as evidenced by Cotie. As indicated supra, appellants have not challenged the examiner’s finding concerning the polling of remote stations. Thus, the skilled artisan would have found it manifestly obvious to transmit to the master interface the state of the local switch actuator “in response to a control poll after the power delivery state has been changed” (Brief, page 7). In short, the obviousness rejection of claims 10 through 19 is sustained.

Turning lastly to the obviousness rejection of claims 20 and 24 through 29, the examiner has not come to grips with the fact that the claimed first and second packets from the master interface to the first and second slave nodes, respectively, are of different byte sizes (Brief, page 8). For this reason,

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the obviousness rejection of claims 20 and 24 through 29 is reversed.

DECISION

The decision of the examiner rejecting claims 1 through 5, 10 through 20 and 24 through 29 under 35 U.S.C. § 103 is affirmed as to claims 10 through 19, and is reversed as to claims 1 through 5, 20 and 24 through 29.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R.

§ 1.136(a).

AFFIRMED-IN-PART

KENNETH W. HAIRSTON)	
Administrative Patent Judge))
)	
)	
)	BOARD OF PATENT
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Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
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KWH:hh

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